

**SENATE JOURNAL  
61ST LEGISLATURE  
FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 9, 2009

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Story presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **SB 10, SB 25, SB 39.**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Balyeat, Chairman): 1/12/2009  
**SB 141**, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Brueggeman, Chairman): 1/9/2009  
**SB 73**, do pass. Report adopted.

**JUDICIARY** (Perry, Chairman): 1/9/2009  
**SB 7**, do pass. Report adopted.  
**SB 40**, do pass. Report adopted.  
**SB 45**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Following:** "(1)"

**Insert:** "(a)"

2. Page 1, line 12 through line 13.

**Following:** "~~request~~," on line 12

**Strike:** remainder of line 12 through "indigent" on line 13

**Insert:** "Upon request"

3. Page 1, line 14.

**Following:** "reproduction"

**Strike:** ", without cost to the defendant,"

4. Page 1, line 16.

**Strike:** "(a)"

**Insert:** "(i)"

5. Page 1, line 18.

**Strike:** "(b)"

**Insert:** "(ii)"

6. Page 1, line 19.

**Strike:** "(c)"

**Insert:** "(iii)"

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7. Page 1, line 22.

**Strike:** "(d)"

**Insert:** "(iv)"

8. Page 1, line 24.

**Strike:** "(e)"

**Insert:** "(v)"

9. Page 1, line 26.

**Following:** line 25

**Insert:** "(b) When, pursuant to 47-1-111, a defendant has been determined by the office of state public defender to be indigent, the prosecutor shall, without cost to the defendant or to the office of state public defender, make available the material and information required under subsection (1)(a)."

And, as amended, do pass. Report adopted.

**SB 91**, do pass. Report adopted.

**SB 125**, do pass. Report adopted.

**RULES** (Peterson, Chairman):

1/9/2009

**SR 1**, introduced resolution, be amended as follows:

1. Page 5, line 18.

**Strike:** "hired"

**Insert:** "trained"

2. Page 8, line 6.

**Following:** "committees."

**Insert:** "Prior to making committee assignments, the Committee on Committees shall take into consideration the recommendations of the minority leader for minority committee assignments."

3. Page 22, line 14.

**Strike:** "Unless the"

**Insert:** "The"

**Strike:** "requests"

**Insert:** "shall make"

**Strike:** "beforehand"

And, as amended, be adopted. Report adopted.

**RULES** (Peterson, Chairman):

1/9/2009

**SJR 1**, introduced joint resolution, be amended as follows:

1. Page 2, line 13.

**Strike:** "leadership committee"

**Insert:** "employees"

2. Page 2, line 17 through line 22.

**Following:** "employee" on line 17

**Strike:** remainder of line 17 through line 22 in their entirety

**Insert:** ", acting together, shall:

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- (1) hire joint employees; and
- (2) review a dispute or complaint involving the competency or decorum of a joint employee, and dismiss, suspend, or retain the employee."

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

1/8/2009

**HB 1**, introduced by Sesso

**MOTIONS**

Sen. Esp moved that a Select Joint Committee on Reappraisal be created and that the following Senators be appointed: Senator Gillan, Senator Kaufmann, Senator Gebhardt, and Senator Tutvedt. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 178**, introduced by Gebhardt, Klock, referred to Energy and Telecommunications.

**SB 179**, introduced by Erickson, Ankney, Dickenson, Hamilton, Wilmer, Hamilton, D. Brown, MacLaren, Nooney, McAlpin, Furey, Hands, Mehlhoff, Branae, Kaufmann, Jackson, referred to Taxation.

**SB 180**, introduced by Erickson, Dickenson, Reinhart, Wiseman, Hands, Phillips, Furey, Kaufmann, Branae, Hawks, referred to Natural Resources.

**SB 181**, introduced by Esp, referred to Taxation.

**SB 182**, introduced by Esp, referred to Judiciary.

**SB 183**, introduced by Balyeat, Warburton, Jones, Mendenhall, Blasdel, Ankney, McGillvray, Butcher, Boniek, Miller, Hendrick, Smith, Randall, More, Klock, Kasten, Bennett, K. Peterson, Ingraham, Curtiss, Hinkle, Bales, Balyeat, Debby Barrett, Jackson, Black, Ripley, Perry, Hamlett, J. Tropila, Esp, Barkus, Laible, referred to Fish and Game.

**SB 184**, introduced by Balyeat, Boniek, Kerns, O'Hara, Kasten, Butcher, Phillips, Stahl, Milburn, More, Warburton, Sales, Hendrick, Bennett, Vance, Ripley, Debby Barrett, Balyeat, Hinkle, Jackson, Zinke, Black, Gebhardt, Bales, Brenden, Curtiss, Murphy, Steinbeisser, Gallus, Barkus, Shockley, referred to Fish and Game.

**SB 185**, introduced by Balyeat, Murphy, Balyeat, R. Brown, Curtiss, Jackson, Hinkle, Black, Gebhardt, Ripley, Debby Barrett, Miller, Warburton, referred to Fish and Game.

**SB 186**, introduced by Balyeat, Warburton, Hendrick, Kerns, Vance, Bennett, Kasten, Boniek, Sands, Himmelberger, Phillips, O'Hara, O'Hara, R. Brown, Jackson, Bales, Curtiss, Brenden, Hinkle, Vance, Gebhardt, Black, Kerns, Debby Barrett, Hendrick, referred to State Administration.

**SB 187**, introduced by Balyeat, Balyeat, Jackson, Hinkle, Black, Curtiss, Shockley, Black, Tutvedt, Murphy, Bales, Tutvedt, Murphy, Bales, Brenden, J. Peterson, Gebhardt, Debby Barrett, Laible, Laible, T. Brown, Essmann, Warburton, Mendenhall, Boniek, Miller, Bennett, Randall, O'Hara, Zinke, Butcher, More, Kasten, Kerns, Ankney, referred to State Administration.

**SB 188**, introduced by Balyeat, Boniek, Bennett, Curtiss, Black, Hinkle, Stoker, Blasdel, Butcher, Kerns, Kasten, Mendenhall, Laible, Ripley, Debby Barrett, Warburton, referred to Fish and Game.

**SB 189**, introduced by Balyeat, J. Tropila, M. Tropila, Lewis, Barkus, Glaser, B. Beck, referred to Judiciary.

**SB 190**, introduced by Hawks, referred to Business, Labor, and Economic Affairs.

**SB 191**, introduced by Jent, referred to Judiciary.

**SB 192**, introduced by Zinke, referred to Business, Labor, and Economic Affairs.

**SB 193**, introduced by McGee, referred to Natural Resources.

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**SB 194**, introduced by McGee, referred to Business, Labor, and Economic Affairs.

**SB 195**, introduced by Windy Boy, Belcourt, Stewart-Peregoy, Pease-Lopez, Boss Ribs, Augare, Roundstone, Campbell, referred to Business, Labor, and Economic Affairs.

**SB 196**, introduced by Windy Boy, Belcourt, Stewart-Peregoy, Pease-Lopez, Boss Ribs, Campbell, Augare, referred to State Administration.

**HB 1**, introduced by Sesso (by request of the Legislative Council), referred to Finance and Claims.

**SPECIAL ORDERS OF THE DAY**

Senator Peterson informed the Senate members that Information Technology personnel would not be available on the Senate floor following floor session beginning Monday, January 12, 2009. Anyone needing assistance should call 0912.

Senator Peterson announced that copies of the 2011 Biennium Budget Analysis are available in the Senate Chamber.

Sen. Brown thanked the Pages for their work during the past week.

Sen. Perry announced that Senate Judiciary and other interested parties will participate in a tour of the Great Falls correctional facilities on Saturday, January 17, 2009. A tour of the Deer Lodge and Warm Springs correctional facilities will be held on Saturday, January 24, 2009.

Sen. Hawks announced an energy conference to be held on January 9-10, 2009, in the Great Northern Hotel.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Senator Zinke announced Plum Creek Timber Company had just laid off 220 permanent employees and 145 temporary employees.

Majority Leader Peterson moved that the Senate adjourn until 1:00 p.m., Monday, January 12, 2009. Motion carried.

Senate adjourned at 1:13 p.m. to attend a Joint Session with the House of Representatives and hear an address by U.S. Senator Jon Tester.

MARILYN MILLER  
Secretary of the Senate

ROBERT STORY  
President of the Senate